

July 11, 2017

**SUBMITTED ELECTRONICALLY  
HARD COPY TO FOLLOW BY U.S. MAIL**

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460  
(202) 566-1667

**Re: Freedom of Information Act Request for Records Regarding Statements by the  
Administrator of the U.S. Environmental Protection Agency**

Dear National Freedom of Information Officer:

Environmental Defense Fund (“EDF”) respectfully requests records, as that term is defined at 5 U.S.C. § 552(f)(2) of the Freedom of Information Act (“FOIA”), of the U.S. Environmental Protection Agency (“EPA” or the “Agency”), related to statements by EPA Administrator E. Scott Pruitt regarding coal jobs.<sup>1</sup> Specifically, EDF requests copies of all correspondence:

- Between any individual in EPA’s Office of the Administrator and any individual in the Bureau of Labor Statistics;
- Between any individual in EPA’s Office of the Administrator and any non-governmental party and that contains both the words “coal” and “jobs” or both the words “mining” and “jobs”;
- Sent or received by any individual in EPA’s Office of Public Affairs and that contains both the words “coal” and “jobs” or both the words “mining” and “jobs”;
- Sent or received by E. Scott Pruitt, Ryan Jackson, Samantha Dravis, Byron Brown, or Mandy Gunasekara and that contains both the words “coal” and “jobs” or both the words “mining” and “jobs.”

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<sup>1</sup> See, e.g., NBC Meet the Press, June 4, 2017, <https://www.youtube.com/watch?v=L5nkrMBF3gM> (“[S]ince the fourth quarter of last year to most recently added almost 50,000 jobs in the coal sector. In the month of May alone, almost 7,000 jobs.”); ABC This Week, June 4, 2017, <http://abcnews.go.com/Politics/week-transcript-17-scott-pruitt-al-gore-susan/story?id=47811251> (“We’ve had over 50,000 jobs since last quarter—coal jobs, mining jobs—created in this country. We had almost 7,000 mining and coal jobs created in the month of May alone.”); Fox News Sunday, June 4, 2017, <http://www.foxnews.com/transcript/2017/06/04/pruitt-defends-decision-to-withdraw-from-paris-climate-deal-al-gore-weighs-in.html> (“You know, since last—the fourth quarter of 2016, Chris, we’ve had almost 50,000 jobs created in the mining and coal sector alone. In fact, in the month of May, almost 7,000 jobs.”).

EDF requests records that were produced, modified, or transmitted between May 1, 2017 and the date EPA searches for responsive records. The requested records specifically include, but are not limited to, hard-copy correspondence and electronic correspondence such as emails, text messages, and correspondence transmitted through any other electronic platform. This request specifically includes any attachments to responsive records and work-related emails sent or received by identified individuals under any email address.

If any of the information sought in this request is deemed by EPA to be properly withheld under a FOIA exemption, 5 U.S.C. § 552(b), please provide EDF with an explanation, for each such record or portion thereof, sufficient to identify the record and the particular exemption(s) claimed.

### *Request for Expedited Processing*

EDF respectfully seeks expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E)(i) and 40 C.F.R. § 2.104(e)(1)(ii), which applies when there is “[a]n urgency to inform the public about an actual or alleged Federal government activity, if the information is requested by a person primarily engaged in disseminating information to the public.” With respect to three other FOIA requests, EPA recently recognized EDF’s eligibility for expedited processing on this basis.<sup>2</sup> In support of this request for expedited processing, I certify that the following information is true and correct to the best of my knowledge and belief:

- (1) EDF engages in extensive, daily efforts to inform the public about matters involving environmental policy. For example, EDF has multiple channels for distributing information to the public, including through direct communication with its more than 2 million members, press releases, blog posts, active engagement on social media, and frequent appearances by staff in major media outlets.<sup>3</sup>
- (2) Administrator Pruitt has made numerous public comments on coal jobs and mining jobs under the current Administration.<sup>4</sup> Widely reported sources have documented that these statements are not supported by fact.<sup>5</sup>

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<sup>2</sup> See Letter from Larry F. Gottesman (EPA) to Benjamin Levitan (EDF) re: Request Tracking Number EPA-HQ-2017-003545 (Feb. 23, 2017); Letter from Larry F. Gottesman (EPA) to Benjamin Levitan (EDF) re: Request Tracking Number EPA-HQ-2017-005587 (Apr. 12, 2017); Letter from Larry F. Gottesman (EPA) to Benjamin Levitan (EDF) re: Request Tracking Number EPA-HQ-2017-008622 (July 7, 2017).

<sup>3</sup> See, e.g., EDF Associate Vice President Jeremy Symons, *Pruitt Doubles Down on Big Coal Lie with ‘Pruitt Math’* (June 5, 2017), [http://www.huffingtonpost.com/entry/pruitt-doubles-down-on-big-coal-lie-with-pruitt-math\\_us\\_59359d85e4b033940169ccb9](http://www.huffingtonpost.com/entry/pruitt-doubles-down-on-big-coal-lie-with-pruitt-math_us_59359d85e4b033940169ccb9); Jeremy Symons, *Scott Pruitt’s Big Coal Lie* (June 4, 2017), [http://www.huffingtonpost.com/entry/scott-pruitts-big-coal-lie\\_us\\_59343cc5e4b0649fff211a35](http://www.huffingtonpost.com/entry/scott-pruitts-big-coal-lie_us_59343cc5e4b0649fff211a35); Liz Delaney, *Six Months Into the Presidency, Where Are All the Jobs?*, EDF + Business Blog (June 28, 2017), <http://business.edf.org/blog/2017/06/28/six-months-into-the-presidency-where-are-all-the-jobs/>.

<sup>4</sup> See *supra* note 1.

<sup>5</sup> See, e.g., Eugene Kiely, *Scott Pruitt and Coal Jobs*, FactCheck.org, June 6, 2017, <http://www.factcheck.org/2017/06/scott-pruitt-coal-jobs/> (determining that Pruitt’s statement was “FALSE”); Glenn Kessler, *Pruitt’s Claim that ‘Almost 50,000 Jobs’ Have Been Gained in Coal*, Washington Post, June 6, 2017, [https://www.washingtonpost.com/news/fact-checker/wp/2017/06/06/pruitts-claim-that-almost-50000-jobs-have-been-gained-in-coal/?utm\\_term=.2363bff20451](https://www.washingtonpost.com/news/fact-checker/wp/2017/06/06/pruitts-claim-that-almost-50000-jobs-have-been-gained-in-coal/?utm_term=.2363bff20451).

- (3) Administrator Pruitt has offered these false coal jobs statements as justification for policy decisions that put at risk the health of all Americans.<sup>6</sup> As of this writing, the White House Office of Management and Budget is considering EPA's "Review" of the Clean Power Plan, which Administrator Pruitt specifically cited as an economically detrimental regulation in the NBC and Fox News appearances cited above. Given the likelihood of imminent agency action on issues that Administrator Pruitt claims adversely affect the coal industry, it is essential that the public understand the sources of the Administrator's inaccurate data.
- (4) The American public needs to understand what sources of information, if any, Administrator Pruitt relied upon in making his false statements on coal jobs. This information is crucial to understand and clarify Administrator Pruitt's possibly biased or inadequate sources of information. It is also essential to correct and properly inform the Administration's on-going decision-making on vital health and environmental policies that affect all Americans.

*Request for Fee Waiver*

As a non-partisan, non-profit organization that provides information that is in the public interest, EDF respectfully requests a waiver of fees associated with this request. We are not seeking information for any commercial purpose and the records received will contribute to a greater public understanding of issues of considerable public interest. 5 U.S.C. § 552(a)(4)(A)(iii). EDF is well positioned to disseminate the records to the public, as we routinely issue press releases, action alerts, reports, analyses, and other public outreach materials. We fully intend to disseminate newsworthy information received in response to this request. EPA has recently recognized EDF's eligibility for a fee waiver with respect to other recent FOIA requests.<sup>7</sup> Accordingly, we respectfully request that the documents be furnished without charge.

For ease of administration and to conserve resources, we will accept documents produced in a readily accessible electronic format. In the event EDF's request for a fee waiver is denied or if you have any questions about this request, please contact me immediately by telephone at (202) 572-3318 or by email at [blevitan@edf.org](mailto:blevitan@edf.org).

Respectfully submitted,

Benjamin Levitan  
Environmental Defense Fund  
1875 Connecticut Avenue, NW  
Suite 600  
Washington, DC 20009

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<sup>6</sup> See *supra* note 1.

<sup>7</sup> See Letter from Larry F. Gottesman (EPA) to Benjamin Levitan (EDF) re: Request Tracking Number EPA-HQ-2017-005587 (Apr. 12, 2017); Letter from Larry F. Gottesman (EPA) to Benjamin Levitan (EDF) re: Request Tracking Number EPA-HQ-2017-008622 (July 7, 2017).